

A. ROLL CALL

Present: Chair Beales, Boardmembers Bird, Figour, O'Donnell and Teiser

Absent: None

Ex-Officio: Planning Manager Watrous, Assistant Planner Krasnove and Minutes Clerk Flanagan

B. PUBLIC COMMENTS

No one spoke during this time.

C. STAFF BRIEFING

Planning Manager Watrous reported that the item for 6 Audrey Court was continued to the November 18, 2004 meeting, and that the appeal for 100 Lyford Drive has been scheduled for the October 6, 2004 Town Council meeting.

D. CONSENT CALENDAR

1. 48 RED HILL CIRCLE SCHWARTZ, RESOLUTION OF DENIAL

On September 2, 2004, the Design Review Board considered a request to install a garage door on an existing two-car carport attached to one condominium unit, located at 48 Red Hill Circle, of a multifamily dwelling complex (Monterossa at Tiburon). After considering the application, the Board directed Staff to prepare a resolution denying the application.

M/S, O'Donnell/Bird (passed 5-0) to adopt the resolution denying the application.

E. OLD BUSINESS BEFORE THE BOARD

2. 955 OWLSWOOD LANE MANGUS, NEW DWELLING/ VARIANCE

On June 17, 2004, the Design Review Board reviewed an application for the construction of a new single-family on the property located at 955 Owlswood Lane. The applicant has revised the project in an attempt to address the issues raised by the Board. The plans have been modified to enclose the entire second story area. As a result, a variance is no longer required for reduced side yard setback, but a floor area exception is now requested.

Jon Mangus, owner, discussed the project. He stated that he had originally wanted the two towers on the second story to save costs and also to live in one while the remainder was under construction. He felt that privacy issues are minimal, and noted that most of the trees are on the property behind him.

Chair Beales noted there are six bathrooms for only four bedrooms in the proposed house, and asked the applicant if he had considered using the space more efficiently. Mr. Mangus responded that he had considered eliminating one bathroom and having a bathroom with two doors, but privacy would be an issue. He said that the rooms are spread out on the top floor and with the number of people who will live there, the bathrooms will be used.

There was no public comment.

Boardmember O'Donnell stated that he had initially opposed the project, but all concerns of the Board have been addressed. He said that this was a nicer house and design.

Boardmember Bird stated she also is pleased that the applicant had addressed their concerns. She said that she preferred shingle siding on the exterior, and could support the application as presented.

Boardmember Teiser concurred that this was a better design, and felt that the floor area exception requested was minimal.

M/S, Bird/Teiser (passed 5-0) to determine that the project is categorically exempt from the provisions of CEQA and approve the application subject to the conditions of approval as set forth in the Staff report.

3. 6 AUDREY COURT KING, ADDITION/VARIANCE/FLOOR AREA EXCEPTION: CONTINUED TO NOVEMBER 18, 2004F. NEW BUSINESS BEFORE THE BOARD

4. 79 ROUND HILL ROAD OZNOWICZ, NEW DWELLING

The applicant is requesting design review approval for the construction of a new two-story single-family dwelling on property located at 79 Round Hill Road. The subject property is currently vacant. The upper level of the proposed house would include a living room, kitchen, dining room, family room, den and a half-bathroom. The lower level would include a master bedroom suite, three additional bedrooms, two more bathrooms and a recreation room. An attached two-car garage would be situated adjacent to the upper level.

Carl Weissensee, applicant, discussed the project, and noted that decisions were made some 20 years ago regarding this subdivision that affect what is being requested now. He said that the owner of 75 Round Hill Road wanted the house out of his views and as far away as possible, so the lot at 79 Round Hill had been widened. He described the proposed siting of the house, and how it was affected by the needs for an appropriate driveway turnaround. He said that the view from the house at 85 Round Hill Road was critical because wherever the house is situated, it would be in the middle of their view. He said that he pushed the house down as far as possible on the lot, which he believed to

be the best compromise for everyone. He said that he wanted to avoid lining up all the houses in the subdivision along the driveway.

Kyle Thayer, architect, stated that the design was consistent with the Hillside Design Guidelines. He presented revised plans that lowered several portions of the roof from the submitted drawings after the story poles were erected, to address concerns raised by the owners of 85 Round Hill Road. He stated that the crossbars on the story poles reflect the height of the revised plans.

Peter Brekhus, attorney for the Charles Sofnas, objected to presenting the revised plans at this meeting. He said that potential view impacts were identified by Town Staff when the most recent lot line adjustment was approved. He noted that many houses are located side by side along streets. He felt that the proposed design was not consistent with the Hillside Guidelines. He said that the proposed house would completely block the views of his client from the house at 75 Round Hill Road, which would be inconsistent with the Hillside Guidelines. He stated that there is room to site this house uphill so that it would not block these views. He noted that nothing in the Town ordinances or guidelines discusses how views are created. He asked that the application be denied and a new house be designed that would not impact his client's view.

Boardmember O'Donnell asked how long the present owner has owned the neighboring house. Charles Sofnas stated that he purchased it in 1978. He explained that the house had been up for sale approximately five years ago and again last year. He said that his house was sited to capture the view of the Belvedere Lagoon. He said that he had cleared trees and brush on the adjacent lots after a fire nearby, stating that the fire department had required him to keep the lot clear for fire protection.

Planning Manager Watrous clarified that the property had been listed for sale as recently as June 2004.

Frank Doyle stated that when he bought his property at 85 Round Hill Road, he looked at how the lots below were sited to determine how to site his house. He said that he built his house with a view between two lots. He said that while the future homes can be moved, his house cannot be relocated. He said that the project would create a parklike setting, and felt that the applicant has taken advantage of what he has. He stated that the applicant has been very cooperative, and supports the application.

Mr. Sofnas presented a brochure created the first time his house was marketed, that he said shows the view as it was five years ago.

Mr. Weissensee described the history of the tree-cutting performed by Mr. Sofnas on the subject property. He stated that he contacted the fire department, which had no record of requiring vegetation to be cut on this lot. He disagreed with Mr. Sofnas' recollection of the requirements for the location of the homes on these four lots. He said that he had made it clear that the Sofnas' view through tree canopies could be impacted. He stated

that if nothing would be allowed on the property that would disturb the Sofnas' view, 60 and 48 percent, respectively, of the two lots nearest the Sofnas home would be unusable.

Mr. Sofnas stated there is an ordinance that requires clearing areas next to homes for fire protection. He reiterated that the lot line adjustment approval required protection of his views.

Boardmember Teiser stated he visited the home at 75 Round Hill and saw views from the living room and master bedroom, and there is no question that the proposed house would block the Sofnas' entire view from these rooms. He said that while property owners are responsible for maintaining their lots in a neat and safe condition, he does not know what right Mr. Sofnas had in clearing Mr. Weissensee's lot. He said that the issue is whether Mr. Sofnas is entitled to that view.

Boardmember Figour stated that the tree issue will remain a tangled mystery. He said that there is a view from 75 Round Hill Road. However, he felt that the proposed house was consistent with the Hillside Guidelines. He stated that these guidelines are intended for an uphill/downhill situation, while this situation involves a view across a lot. He said that a neighbor does not have the right to have a view across a property when it literally tears the very heart out of the building envelope. He felt that Mr. Sofnas' has a borrowed view. He noted that this was a one-story house with a partial second story dug in, and works well for the house at 85 Round Hill Road. He said that the house at 75 Round Hill Road never really had a view corridor across the site. He felt that the house design could use some tweaking, but acknowledged that moving the house uphill on the site would create problems for the turnaround and the garage.

Boardmember O'Donnell stated that this is a very difficult issue. He said that he visited the site and the Doyles' and Sofnas' properties. He said that there is no question that Mr. Sofnas has a slot view; however, the subject property is quite a distance from the Sofnas' home. He noted that there will be another house on the property in between these two sites. He said that the neighbors are entitled to review the revised plans and accurate story poles. He said that the applicant has tried to accommodate all parties, and that the history of the view is important. He said that the Sofnas' view has been enhanced over time. He said that he would support the application once the house has been redesigned.

Boardmember Bird stated that she concurred that this is a borrowed view. She sympathizes with the Sofnas because they have had this view for many years and it feels like something has been taken away. However, she noted that when buying a property next to undeveloped land, one must know that the land will change. She said that the Doyles developed their home with careful consideration and to move the subject house up the hill would not be right. She said that the proposed house complies with the Hillside Guidelines, and would be reasonably sized. She said that the owner has the right to develop his land. She suggested continuing the application to finalize the revised design.

Chair Beales stated that this is definitely a borrowed view. He said that it is unfortunate that Mr. Sofnas does not own the adjacent property, and its owner is allowed to build on it. He noted that the lot line adjustment asked that the house at 77 Round Hill Road to be pulled up, but that the house at 79 Round Hill Road was to “reasonably minimize” view blockage. He said that he was glad to see the roofline lowered. He noted that the lower floor master bedroom juts out and into Mr. Sofnas’ view. He said that if this wall was brought back in line with the face of the building or expanded in a different direction, it would help the view from 75 Round Hill Road. The wall could be brought back in line with the face of the lower level. He felt that this was probably the right location for this house.

Boardmember Teiser stated that he visited the Doyles’ house and said that the proposed house would block more of their foreground view if moved up the hill. He said that it would be better if all four of the lots were developed at once, to give the Board and the neighbors more complete information.

Chair Beales stated that it was the intent of Community Development Director Anderson in approving the lot line adjustment to encourage one developer with an overall plan for all four lots. He added that, having fought fires himself, he felt that Mr. Sofnas should worry about the brush below his own house and brush to the side would be less of a concern. He believed that clearing 30 feet around a house is recommended.

M/S, Teiser/Bird (passed 5-0) to continue this item to the October 7, 2004 meeting.

**5. 2120 CENTRO EAST STREET WITTENBERG, NEW DWELLING/
VARIANCE**

Boardmembers Bird and Figour recused themselves from this item.

The applicant has submitted a request to construct a new single-family dwelling located at 2120 Centro East Street. The property slopes down from Centro East Street toward the bay. The property is currently improved with a two-family dwelling that would be substantially demolished. The proposed single-family home would be a three-level structure stepping down with the natural slope of the property. The lower level would be comprised of uninhabitable storage space, two bedrooms with exterior access and one bathroom. The main level would consist of a living room, kitchen, family room and bedroom, which would all contain exterior access. The main level would also consist of one and one-half bathrooms, a laundry room and an entry hall. The upper level would consist of the master bedroom suite with access to the upper deck where an exterior fireplace is proposed. A variance is requested for reduced side yard setback.

Henry Chaikin, architect, discussed the project and explained changes made to the design and the landscaping to address concerns raised by the neighbors. He thought that the two-story design was very important because most of the surrounding homes have two stories, and the two houses to the west are fairly massive. He said that he is trying to retain the existing foundation. To mitigate the six-foot setback, he said that there would

be no windows on the west side of the house. In response to questions, he stated that he had looked through the Hillside Design Guidelines.

Ben Ballard, as the tenant of Mary Rogers, neighbor, stated that the height of the proposed house is the issue. He submitted photographs showing the extent of the potential view blockage from his residence.

Todd Moody contended that the height of the proposed house would be out of character with the neighborhood and should be reduced to the height of the houses nearby. He said that he had tried to save a foundation for his home, and said that it does not save any money. He said that the Board should not grant a variance for a side yard setback just to save the old foundation.

Lucy Carrico stated their objections are based on the plans before the Design Review Board tonight, and that the height of the proposed house was still a concern.

Mr. Chaikin stated that it was their intention to be the same height as the house to the west, and that he was amenable to compromising on this.

Boardmember Teiser stated he visited with Ms. Rogers and saw the views while standing and sitting, and the roofline significantly blocks her views. He said that he also visited the Moodys' house, whose views would be somewhat impacted. He stated that the roofline should be lowered. He said that he did not have a problem with the reduced side yard setback in order to save the foundation.

Boardmember O'Donnell stated that the height of the house is a non-starter. He felt that the home does not fit within the character of the neighborhood. He felt that the house has too much mass and bulk, and is grossly unacceptable. He said that the attempts to hide the mass and bulk with architectural elements were superficial and do not work. He felt that the project should be completely rethought and redesigned.

Chair Beales stated that the Hillside Guidelines give priority to views from primary living spaces and not to bedrooms. He said that the applicant is seeking to establish a great bedroom view at the expense of living room views from other homes. He said that the majority of the upper level is wasted space, with large stairways and 12 foot ceilings. He said that the project needs major reworking, and suggested the possibility of a flattened roofline. He said that the applicant should have some more conversations with the neighbors.

M/S, O'Donnell/Teiser (passed 3-0-2, Bird and Figour recused) to continue this item to the October 21, 2004 meeting.

Boardmembers Bird and Figour returned to the meeting.

F. APPROVAL OF MINUTES #14 OF THE 08/19/04 DESIGN REVIEW BOARD MEETING

Changes include:

Page 5, last paragraph, 2nd line, change “rakes” to “takes.”

Page 6, 5th paragraph to state, “. . . Boardmember Bird stated she firmly feels that just because Ms. Seitas is being reasonable, that does not mean. . .”

Page 8, 4th paragraph, 1st line, insert “are open and” before “were approved.” 2nd sentence to state, “The primary traffic is residents who go to and from their homes and a view from the carport is not as important as views from their homes, which are far better.”

Page 9, 10th paragraph, 1st line, insert “he” after “He said that.”

M/S, Figour/Bird (passed 5-0) to approve the minutes as amended.

G. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.